United Nations A/59/680

General Assembly

Distr.: General
24 January 2005
English
Original: Spanish

Fifty-ninth session
Agenda item 105
Human rights questions

Letter dated 24 January 2005 from the Permanent Representative of Cuba to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith the text of the statement by the Ministry of Foreign Affairs of Cuba on the abuses and violations committed against detainees on the naval base at Guantánamo, which was issued on 20 January last (see annex).

I should be grateful if this letter and its annex could be circulated as an official document of the General Assembly under agenda item 105, entitled "Human rights questions".

(*Signed*) Orlando **Requeijo Gual**
Ambassador
Permanent Representative

05-21739 (E) 270105 270105

Annex to the letter dated 24 January 2005 from the Permanent Representative of Cuba to the United Nations addressed to the Secretary-General

Statement by the Ministry of Foreign Affairs

On 19 January 2005, reflecting the outrage of our people at the atrocities committed on prisoners held at the United States naval base at Guantánamo, the Ministry of Foreign Affairs delivered a diplomatic note to the authorities of the United States Government in Havana and Washington denouncing the flagrant violations of human rights being committed daily by that Government on Cuban territory illegally occupied by the above-mentioned naval base. In its note, the Government of Cuba demanded an immediate end to the inhuman and criminal conduct.

The note reminded the Government of the United States that the atrocities being committed on the base and the very fact of using that illegally occupied Cuban territory as a prison violate numerous instruments of international law and international humanitarian law, and also violate the Coal and Naval Stations Agreement signed in February 1903 between the Government of the United States and the Cuban Government of that period under conditions of inequality and disadvantage for our country, whose independence had been circumscribed by the Platt Amendment.

Under article II of that Amendment, the United States Government committed itself to doing everything necessary to ensure that the locations were used exclusively as coaling or naval stations only and for no other purpose.

It is also important to recall that when the Cuban authorities were informed, although not consulted, of the decision of the United States Government to transfer a group of prisoners of war from Afghanistan to this United States military enclave in Guantánamo, the Government of the Republic of Cuba issued a statement to the national and international public, dated 11 January 2002, in which it said that "although the transfer of foreign prisoners of war by the Government of the United States to one of its military installations located on part of our national territory over which we have been deprived of the right to exercise jurisdiction is inconsistent with the terms under which the installation was established, we shall not create any obstacles to the realization of the operation". The statement also highlighted the fact that our Government had "taken note with satisfaction of the public statements of the United States authorities that the prisoners will receive proper and humane treatment".

The disturbing reality of the prisoners detained on the Guantánamo naval base, who now number 550 according to press reports, likewise reveals the double standard of the United States Government in its familiar and contrived campaign in favour of human rights.

The arbitrary detention of these foreign prisoners without due legal process and the torture and degrading treatment to which they are being subjected constitute a gross violation of human rights and of numerous international treaties and conventions, in particular, the Universal Declaration of Human Rights and the

Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

By its hypocritical conduct, the Government of the United States has demonstrated the falseness of its own public statements and that it has lied yet again to the Government of the Republic of Cuba, to its own people and to the international community by concealing the horrific acts of torture, cruelty, humiliation and degradation committed on the prisoners detained on the Guantánamo naval base, which are comparable only to the torture inflicted on inmates in the Abu Ghraib prison and other detention facilities in occupied Iraqi territory.

The Ministry of Foreign Affairs joins in the protests and demands of the international community for the Government of the United States to put an immediate end to these flagrant violations of the rights of prisoners which, moreover, are being committed on illegally occupied Cuban territory.

Cuba has the moral high ground afforded by an irreproachable record in this area and the right conferred on it by the exercise of sovereignty throughout the territory of Cuba to denounce the abuses and violations being committed daily by the United States Government on the detainees on the Guantánamo naval base and to demand an end to these practices, which are in violation of international law.